HIPAA Transactions
The Next Generations

20 August 2008

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Intelligently Linking Information Systems

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Today's Session

Objective: Provide information that allows impacted organizations to track and participate in future HIPAA transactions activities; thereby managing their futures

Topics:

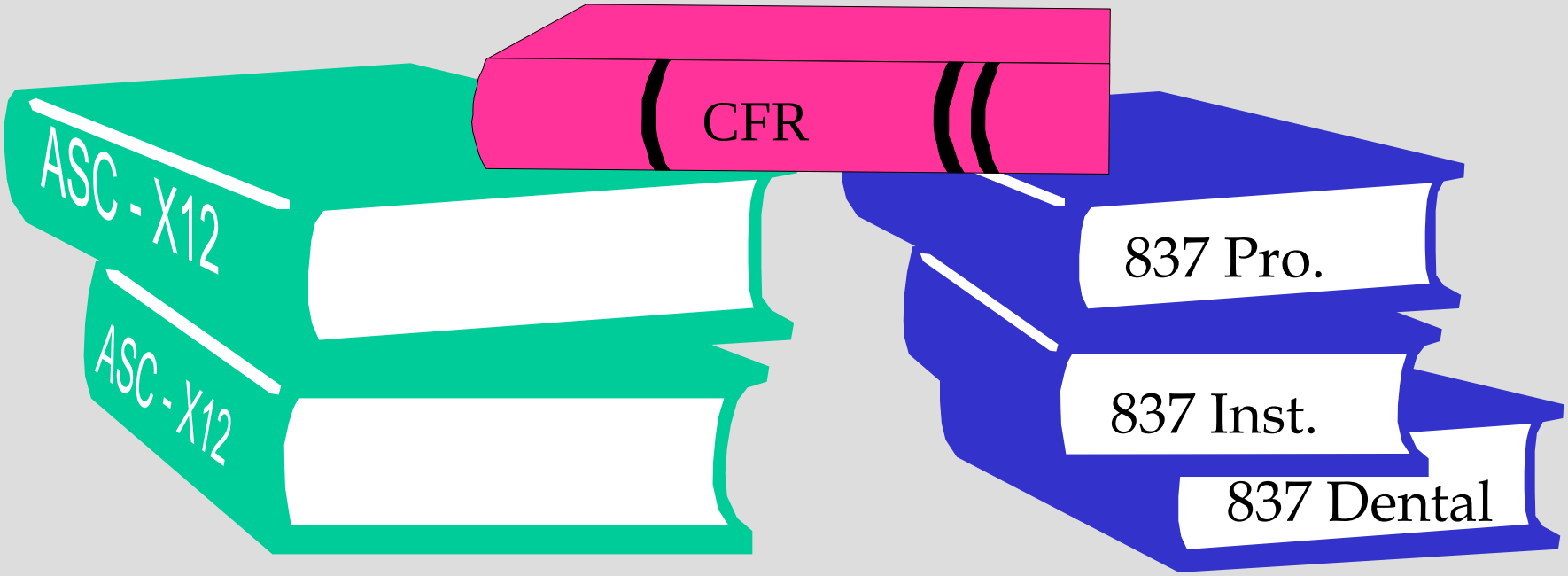
- ✓ Materials Used in HIPAA Transactions
- ✓ Processes for Creating Materials
- ✓ Status, Predictions, and Key Issues
- ✓ Obtaining Further Information

Caveats

For clarity and simplicity,
today's discussion primarily illustrates
the ANSI SDO processes of
Accredited Standards Committee X12.
Similar but differing processes also exist
at other HIPAA SSO's.

The predictions contained in today's presentation are solely those of the author and do not represent the views, official or unofficial, of anybody else.

Materials



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HIPAA Transactions Specifications

- Mandatory **Federal Regulations** [“Rules”]

  which “adopt” and promulgate

- Voluntarily published X12 (and equivalent)
  Type 3 Technical Reports (TR3’s)
  a.k.a. **“HIPAA Standards”**

  which define precise uses of

- Voluntarily published **X12 Standards**

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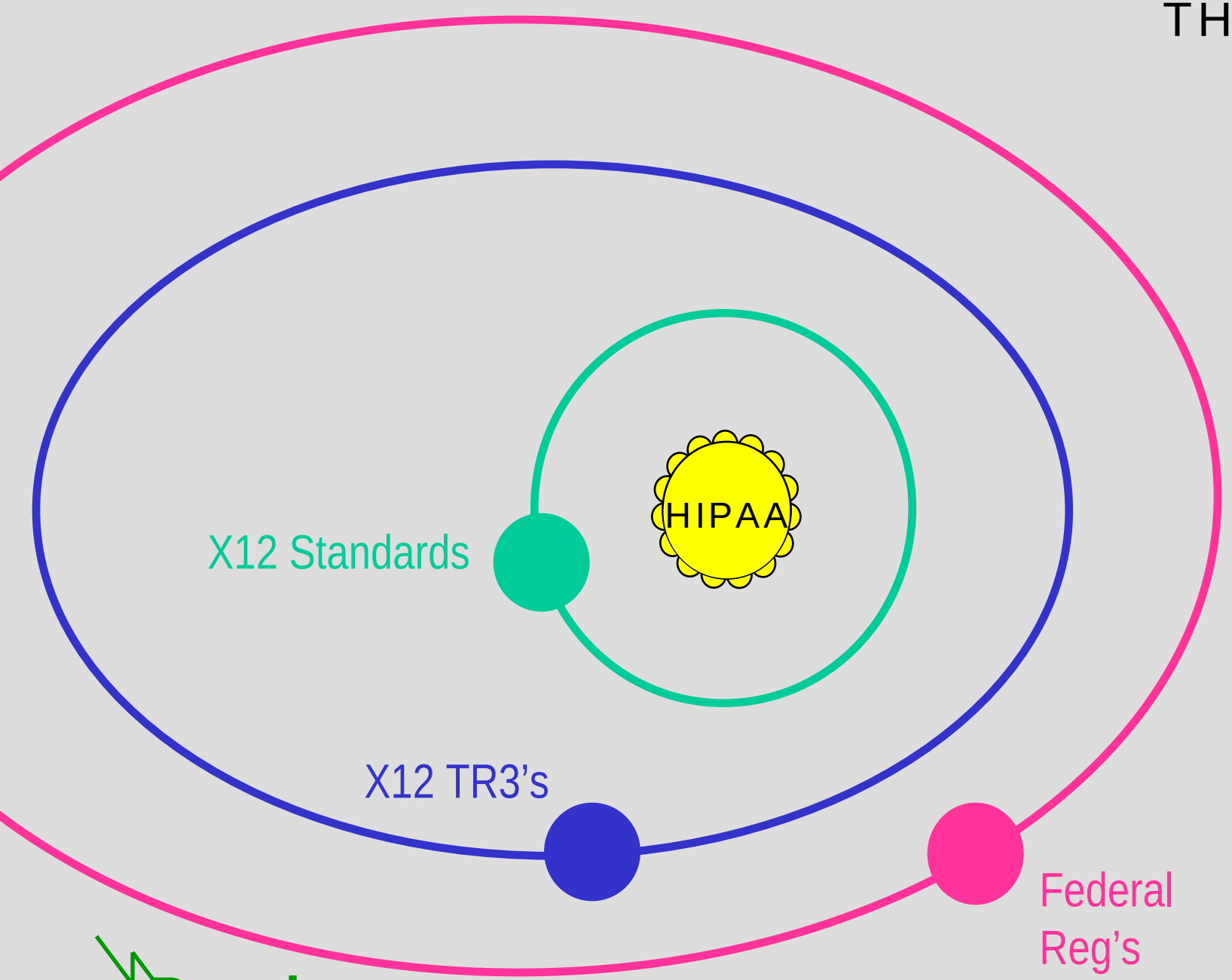
Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

THE HIPAA SOLAR SYSTEM



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X12 Standards

- Publication Cycle — 3 times a year
- Publisher — Data Interchange Standards Association
- Governing Materials — Standing Doc. 2 (SD2)
- Authoring Entities — X12N Workgroups
- Supporting Entities — X12N / TG8 (Architecture)
X12J (Tech. Assessment)
Procedures Review Board (PRB)

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X12 Type 3 Technical Reports

- Publication Cycle — attempted every 2 years, but was too rapid
- Publisher — Washington Publishing Co.
- Governing Materials — IG Handbooks
- Authoring Entities — X12N Workgroups
- Supporting Entities — X12N / TG4 (IG Coord.)
  X12J (Tech. Assessment)

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Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

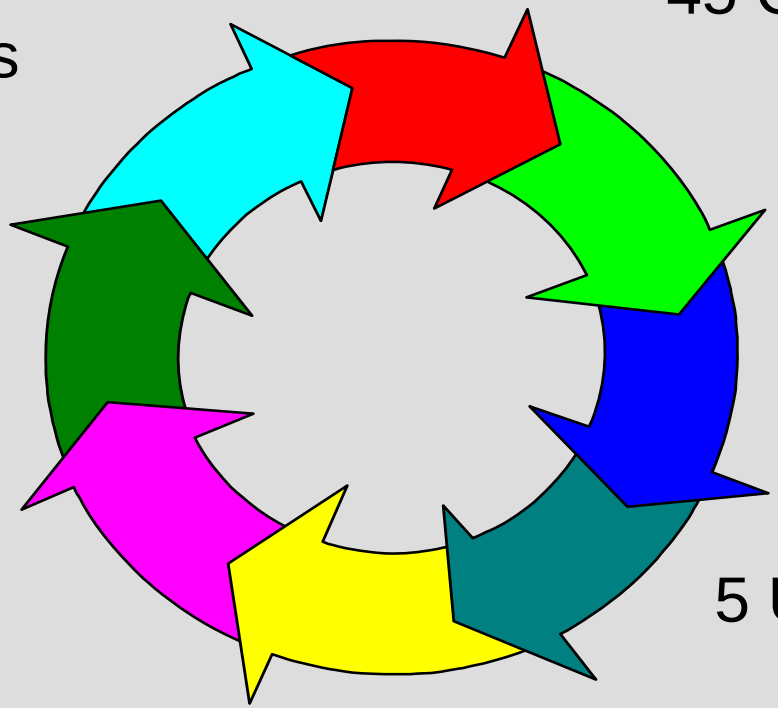
Federal Regulations

- Publication Cycle — as recommended
- Publisher — Government Printing Office
- Governing Materials — HIPAA Legislation
  Administrative Procedures Act
  Paperwork Reduction Act
- Authoring Entity — CMS' Office of eHealth Stds.
- Supporting Entities — DSMO Steering Committee
  NCVHS

Processes

45 CFR 160.500-572

IG Handbooks



EO 12866

SD2

DSMO MOU

42 USC 1320d

5 USC 551-553, 808

45 CFR 162.910

63 FR 88, pp 25274-25294

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Transactions Processes

- Updating and creating new X12 standards; including internal code lists
- Creating and modifying Type 3 Technical Reports (TR3's); including internal code lists subsets
- Adopting TR3's for HIPAA

Updating Standards

- X12 has two formal processes documented in Standing Document 2 (SD2)
  - Data Maintenance (DM)
    - For message structure, format, data element definitions, and internal code lists values
    - Can take many months or years
  - Code Maintenance Request (CMR)
    - For internal code lists values only
    - Expedited process to speed-up changes
    - Can still take 4 – 8 months

Creating and Modifying TR3's

- X12N process summary
  - Work groups within parent task groups, in conjunction with Washington Publishing Company, establish schedule [including change request cutoff dates for various sources] and then create new TR3's
  - Following internal approvals for technical accuracy and proper process from supporting task groups, work groups initiate X12N public comment period for new TR3's

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Creating and Modifying TR3's

- X12N process summary
  - TR3's public comment period occurs – targeted for 60 days, but can be 30 – 90
  - Work groups resolve any issues raised during public comment period and make any needed adjustments to TR3's
  - Work groups hold public Informational Forums during X12 Trimester Meetings to confirm resolved issues and TR3's adjustments

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Creating and Modifying TR3's

- X12N process summary
  - Work groups vote to move TR3's to parent task group for publication approval
    - only TG2 (Healthcare), at present
  - Task groups vote to move TR3's to subcommittee X12N (Insurance) for publication approval
  - X12N approves TR3's for publication

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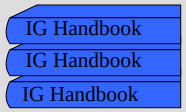
Creating and Modifying TR3's

- X12N process summary
  - Any other affected X12 subcommittees [*e.g.*, X12F (Finance)] approve TR3's for publication [*new for TR3's*]
  - X12J – Technical Assessment subcommittee approves TR3's for publication [*new for TR3's*]
  - Procedures Review Board is notified that TR3's are ready for publication [*new for TR3's*]
  - Washington Publishing Company publishes



Adopting TR3's for HIPAA

- Notice and Comment (NPRM) rule making – process used to date

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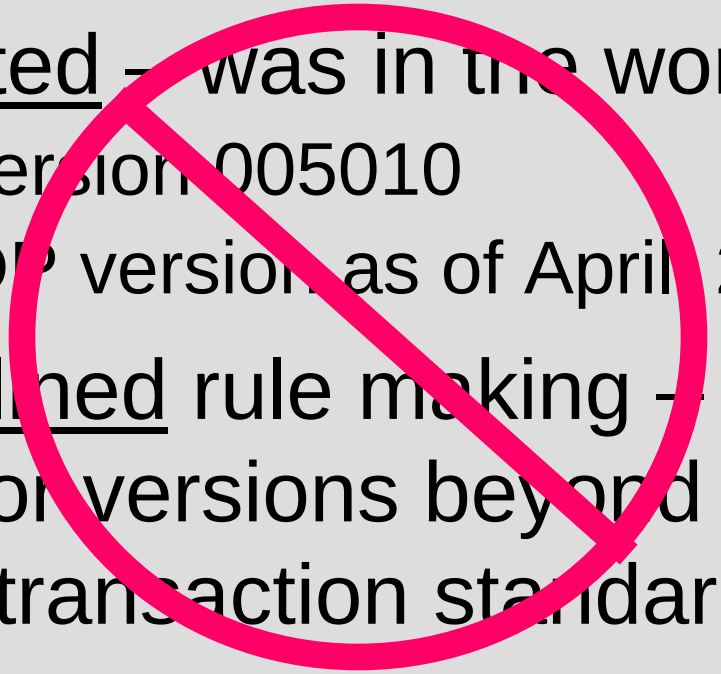
- Legislated – was in the works for
  - X12 version 005010
  - NCPDP version as of April 2007
- Streamlined rule making – also was in the works for versions beyond Legislated HIPAA transaction standards



was HR4157 in 109th Congress; needs to be re-introduced

NPRM Adoption Process

Two cycle process – first iteration

- **X12N** proposes new version of published Type 3 Technical Reports (TR3's)
- Designated Standards Maintenance Organizations (**DSMO**) Steering Committee approves new version
- National Committee on Vital and Health Statistics (**NCVHS**) recommends new version

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NPRM Adoption Process

- Centers for Medicare and Medicaid Services (**CMS**) prepares Notice of Proposed Rule Making (**NPRM**) announcing new version
- Department of Health and Human Services (**DHHS**) clears NPRM
- Other affected federal agencies (*e.g.*, Office of Management and Budget) approve NPRM

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NPRM Adoption Process

- NPRM is published in Federal Register
- NPRM public comment period occurs
  – normally 60 days
  – covers "policy" and TR3's…again
- CMS, with any needed support from DSMO Steering Committee, X12N, *et. al.*, analyzes comments received about NPRM

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NPRM Adoption Process

Two cycle process – second iteration

- Based on received comments, if necessary, X12N incorporates changes into next published new version of TR3's ?
- DSMO Steering Committee approves new version
- NCVHS recommends new version
- CMS prepares Final Rule promulgating new version

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NPRM Adoption Process

- DHHS clears Final Rule
- Other affected federal agencies (*e.g.*, OMB) approve Final Rule

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NPRM Adoption Process

- Final Rule or Notice is published in Federal Register
  - Specifies explicit **Effective Date**
    [Effective Date also known as **Adoption Date**]
  - Specifies explicit **Compliance Date(s)**
- For an existing HIPAA standard, any **Effective Date** for a modified standard must be at least 12 months following any previous Effective Date

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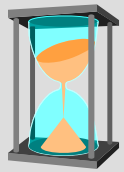
NPRM Adoption Process

Effective Date occurs no earlier than the end of mandatory Congressional Review period which is normally 60 days

Compliance Date(s)

- **New Standards** – 24 months after Effective Date; small health plans get 36 months
- **Modified Standards** – established within the Final Rule, but must be at least 180 days after Effective Date



Status, Predictions, and Key Issues

as of 20 July 2008

David A. Feinberg, C.D.P.

- Consultant and Teacher -- Healthcare Interfaces and EDI
- Author, “Understanding HIPAA Communications”
- Member, Accredited Standards Committee X12 and its Insurance Subcommittee (X12N)
- Member and past co-chair, X12N HIPAA Implementation and Coordination Work Group
- Member, Health Level Seven (HL7)
- Member, HL7 Attachments Special Interest Group (ASIG) and X12N Patient Information Work Group (TG2/WG9)
- Member, concluded HL7 Master Person Index Mediation Special Interest Group (MPISIG)
- Commercial and Technology Arbitrator, American Arbitration Association

Transactions Futures

- Claims Attachments
- New Versions of Current Transactions
- Potential New Transactions

Claims Attachments

- Defined by HL7 Attachments Special Interest Group (ASIG) in “Specifications”
- Presently proposed to incorporate XML within EDI; *i.e.,*
  - X12’s 275 transaction … *contains*
    - HL7’s Clinical Document Architecture (CDA R2) … *made up of*
      - Structured data elements,
      - Narrative, unstructured, text, and/or
      - Scanned, non-diagnostic, images [many formats]

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Claims Attachments

- Proposed First Round
  - Ambulance
  - ~~Emergency Department~~
  - Rehabilitative Services
  - Laboratory Results
  - Medications
  - Clinical Notes

Claims Attachments

- Status
  - First proof of concept pilot project completed
    - Small subset of types, variants, options, choices
    - Not 100% successful
    - Successful pilot pair in production
      - Montefiore Medical Center and National Government Services (nee Empire Medicare Services)

    + Mayo Clinic and Wisconsin Physicians Service
  - NPRM incorporating X12 and HL7 materials published on 9/23/2005; public comment period closed on 1/23/2006

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Claims Attachments

- Status
  - Comments on NPRM and lessons from pilot project plus any other proofs of concepts fed back into updates of
    X12 – version **005010** and
    HL7 – Clinical Document Architecture Release 2 (CDA R2)
    implementation guides … for use in Final Rule

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Claims Attachments

- Status
  - X12 version **005010** TR3's
    - Public comment period closed 8/30/2006
    - Informational Forums held 9/26/2006
    - Published by WPC 7/06/2007 and 4/07/2008
  - HL7 CDA R2 Specifications
    - First informative ballot closed 1/04/2007
    - Second informative ballot closed 4/23/2007
    - Changes incorporated from both ballots
    - 7 documents in final stages of publication
  - Final Rule in DHHS clearance

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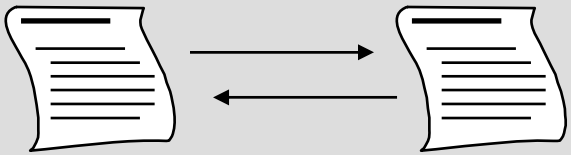
Claims Attachments

- Status
  - Joint X12 – HL7 project being re-started to determine

    what data goes in a claim versus

    what data goes in a claim attachment



New Versions of Current Txns.

HIPAA Transaction	45 CFR Part 162	X12N Impl. Guides / TR3's 004010	005010	X12 Standard
Claim - Prof.	K, R	X098 +A1	X222	837
Claim - Inst.	K, R	X096 +A1	X223	837
Claim - Dent.	K, R	X097 +A1	X224	837
Eligibility	L	X092 +A1	X279	270 & 271
Auth. Request	M	X094 +A1	X217	278 & 278
Claim Status	N	X093 +A1	X212	276 & 277
Enrollment	O	X095 +A1	X220	834
Remittance	P	X091 +A1	X221	835
Premium Pmt.	Q	X061 +A1	X218	820

Proposed HIPAA Txns.	004050		
Claim Additional Info Request	X150	X213	277
Claim Attachment	X151	X210	275

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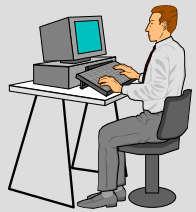
004010Xnnn +A1 are adopted for HIPAA

New Versions of Current Txns.

- X12 version **004010 + 004010A1** Implementation Guides (IG's)
  - Remain current HIPAA standards
  - X12 web site for obtaining interpretations
    www.x12n.org/portal
  - DSMO web site for requesting changes
    www.hipaa-dsmo.org/main.asp
  - CMS web site for filing complaints
    https://htct.hhs.gov/aset/

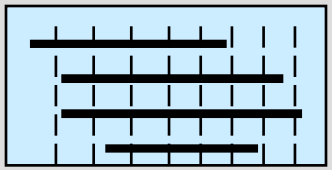


New Versions of Current Txns.

- Writing of X12 version **005010** counterpart TR3's complete
  - Changes include
    - Additional useful explanations
    - Accumulated and timely new routine requests
    - National Provider Identifier (NPI) adaptations
    - Modifications to support ICD-10-CM and ICD-10-PCS
  - New change requests now being considered only for subsequent versions (*e.g.*, 005050)

New Versions of Current Txns.

- Adoption status of X12 version **005010** counterpart TR3's
  - X12N Public comment periods held during 2005 – 2007
  - Published by WPC in 2006 – 2008
  - Approved by DSMO in 2007
  - Recommended by NCVHS in 2007
  - NPRM received by OMB for approval on 5/16/2008



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  - Approved by DSMO in 2007
  - Recommended by NCVHS in 2007
  - NPRM received by OMB for approval on 5/16/2008
  - NPRM for revisions to HIPAA code sets received by OMB for approval on 7/11/2008

New Versions of Current Txns.

- NCVHS Recommendations on X12 version **005010** counterpart TR3's

  from letter at http://www.ncvhs.hhs.gov/070926lt.pdf

  - Expedite start of HIPAA adoption (*i.e.*, NPRM) process
  - Sequential, non-overlapping, implementations of
    - version 005010 counterpart transactions
    - ICD-10-CM and ICD-10-PCS code sets
    - claims attachments transactions

  with potentially two years planned for covered entities to achieve version 005010 compliance

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New Versions of Current Txns.

- NCVHS Recommendations on X12 version **005010** counterpart TR3's
  - Allow industry to test and verify version 005010 transactions (*i.e.*, end-to-end use) up to two years prior to adopting ICD-10-CM and ICD-10-PCS
  - Define, in general, transactions testing levels and requirements: two levels were proposed
  - Develop a plan for covered entities to demonstrate compliance with transactions testing levels and requirements; using, as appropriate
    - Pilot testing
    - Testing services

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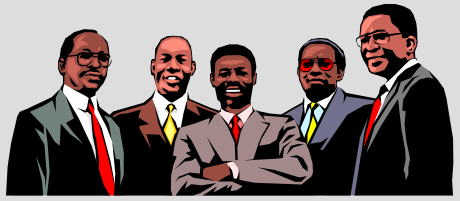
New Versions of Current Txns.

- NCVHS Recommendations on X12 version **005010** counterpart TR3's
  - Identify and use communication approaches and materials to educate and inform industry constituencies about all HIPAA standards, and in particular, about version 005010 transactions
  - Take steps to collect, analyze, and disseminate data about at least the version 005010 process, business impacts (both cost and benefit), return on investment, and other information



New Versions of Current Txns.

- X12 version **005010** topics to look for in NPRM
  - Benefits versus costs analysis of moving to version 005010
  - Version 005010 testing approach(es)
  - Request for version 005010 compliance dates recommendations
  - Request for version 004010 + 004010A1 sunset dates recommendations

- ***Alert*** … downloads of version 005010 TR3's will cost <u>you</u> this time!

New Versions of Current Txns.

- Topics to also look for in NPRM
  - Replacement National Council for Prescription Drug Programs (NCPDP) transactions
    - Telecommunication Claims Standard version D.0
    - Batch Claims Standard version 1.2
  - New NCPDP transaction
    - Medicaid Subrogation Implementation Guide version 3.0

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Some Potential New Transactions

- X12 version **005050** counterpart TR3's
  - One key focus is functionality to better support Consumer Directed Healthcare
    - Real-time claims adjudication
    - Payments from Healthcare Savings Accounts
    - Faster / real-time eligibility determinations
    - Faster / real-time claim status determinations
    - Improved, unsolicited, payer reporting of claims processing progress
  - Writing is already in progress

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Some Potential New Transactions

- X12 version **005010** and/or **005050** new TR3's
  - Acknowledgements [999, 277, 824]
  - Authorization Inquiry [278]
  - Authorization Notification [278]
  - Authorization Attachment [275]
- Additional Claims Attachments – HL7 CDA R2

Numbers shown in [ ] are X12 transaction sets

HIPAA Transactions
The Next Generations

Further Information

- Rensis Corporation Seminar:
  "X12N's HIPAA Transactions – Putting In Your Oar"

- Feinberg's Free Focused HIPAA Mailing List
  Send e-mail request to one of
  - DAFeinberg@computer.org
  - HIPAA-TCS-subscribe@yahoogroups.com
  - ShareHIPAA-subscribe@yahoogroups.com

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HIPAA Transactions
The Next Generations

Further Information

- Standards Development Organization (SDO) Meetings
  - **Accredited Standards Committee X12**
    http://www.x12.org/x12org/meetings/x12trimt/index.cfm
  - **Health Level Seven (HL7)**
    http://www.hl7.org – in Events column, click on Calendar
  - **National Council for Prescription Drug Programs (NCPDP)**
    http://www.ncpdp.org – click on Work Groups

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HIPAA Transactions
The Next Generations

Further Information

- Next X12 Trimester Meeting is

  21-25 September 2008
  Pittsburgh, Pennsylvania

Agenda will include discussions of X12's

- ✓ comments on NPRM
- ✓ responses to technical comments received on NPRM

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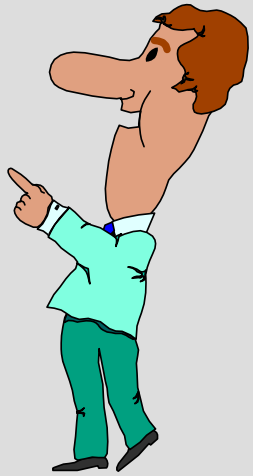
HIPAA Transactions
The Next Generations

Comments?

Questions?

Other Thoughts?



Contact Dave Feinberg

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